

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

VICTOR WALKER,

Petitioner,

v.

CIVIL ACTION NO. 04-CV-40066-FL  
HONORABLE PAUL V. GADOLA

KENNETH MCKEE,

Respondent.

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**ORDER DENYING MOTION FOR SUMMARY JUDGMENT AS MOOT**

This matter is before the Court on Petitioner Victor Walker's "motion for summary judgment" seeking habeas corpus relief, which was filed on June 2, 2005. The Court, however, previously issued an opinion and order denying the habeas petition on the merits and entering judgment on this case, as well as granting a certificate of appealability on April 26, 2005. Petitioner has not sought relief from that judgment and this case is now closed before this Court. Accordingly, Petitioner's motion for summary judgment is therefore **DENIED AS MOOT**.

s/Paul V. Gadola

PAUL V. GADOLA

UNITED STATES DISTRICT JUDGE

DATED: June 21, 2005

Certificate of Service

I hereby certify that on June 21, 2005 , I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

William C. Campbell, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: Mark N. Awada.

s/Tammy Hallwood

Tammy Hallwood, Deputy Clerk  
(810) 341-7845